

ESTTA Tracking number: **ESTTA211437**

Filing date: **05/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Perry Ellis International, Inc.
Granted to Date of previous extension	05/14/2008
Address	3000 N.W. 107th Avenue Miami, FL 33172 UNITED STATES

Attorney information	Kimberly Kolback, Of Counsel Sarah Steinbaum, PA 44 West Flagler Street, Suite 2175 Miami, FL 33130 UNITED STATES kkolback@bellsouth.net Phone:305 858 2627
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### Applicant Information

Application No	77229796	Publication date	01/15/2008
Opposition Filing Date	05/14/2008	Opposition Period Ends	05/14/2008
Applicant	Boriboon, Thammasathith 300 Oakwild Drive Montgomery, AL 36117 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Tops; Hoods; Belts; Caps; Baseball caps; Headgear, namely, head bands; Skull caps; Cargo pants; Denims; Pants; Sweat pants; Board shorts; Boxer shorts; Fleece shorts; Gym shorts; Sweat shorts; Underwear, namely, boy shorts; Walking shorts; A-shirts; Button-front aloha shirts; Dress shirts; Knit shirts; Open-necked shirts; Pique shirts; Polo shirts; Shirts; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sport shirts; Sports shirts; Sports shirts with short sleeves; Sweat shirts; T-shirts
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### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2244787	Application Date	12/08/1994
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Registration Date	05/11/1999	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 slacks, jeans, shorts, shirts, skirts, socks, suits, sport coats, blazers; sportswear, namely knit tops and bottoms; outerwear, namely cloth jackets, shirt jackets, wind resistant jackets, vests, and leather jackets		

Attachments	74608248#TMSN.gif ( 1 page )( bytes ) opposition statement-globe.pdf ( 1 page )(16020 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Kimberly Kolback/
Name	Kimberly Kolback, Of Counsel
Date	05/14/2008

1. PEI Licensing, Inc. (hereafter referred to as “Opposer”) is the owner of the stylized globe trademark reflected in Registration No. 2244787 in International Class 025. Opposer’s trademark has been in use in the United States and worldwide at least as early as 1995.
2. Pursuant to U.S. Trademark Application Serial Number 77229796, Applicant seeks registration of a globe design in International Class 025 which is confusingly similar to the globe design reflected in Opposer’s Registration No. 2244787.
3. Opposer will be damaged if Applicant is granted registration of the Applicant’s mark in International Class 025 because: such registration will likely be confused with Opposer’s registered trademark.